

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on February 17, 2015 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Scott Sales, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jedediah Hinkle (R)
Sen. Douglas (Doug) Kary (R)
Sen. Cliff Larsen (D)
Sen. Mary McNally (D)
Sen. Mary Sheehy Moe (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Kris Hansen (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 186, 2/10/2015; HB 232, 2/10/2015; SB 266, 2/10/2015; SB 291, 2/10/2015; SB 253, 2/10/2015

Executive Action: HB 12-Be Concurred in As Amended, HB 19-Be Concurred In,
HB 43-Be Concurred In, HB 88-Be Concurred In,
HB 133-Be Concurred In, SB 224-Do Pass As Amended

HEARING ON HB 186

Opening Statement by Sponsor:

00:00:56 Rep. Carolyn Pease-Lopez (D), HD 42, opened the hearing on HB 186, Revise laws related to protecting victims of sexual offenses.

Proponents' Testimony:

00:02:48 Dan Guzynski, Department of Justice (DOJ)
00:03:17 Adrienne Slaughter, Department of Corrections (COR)
00:03:43 Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:05:22 Sen. Swandal
00:05:38 Mr. Guzynski, DOJ
00:05:59 Sen. Vincent
00:06:31 Sen. Swandal
00:06:54 Sen. Fielder
00:07:11 Mr. Guzynski

Closing by Sponsor:

00:08:05 Rep. Pease-Lopez

HEARING ON HB 232

Opening Statement by Sponsor:

00:09:25 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 232, Generally revise laws related to identity theft.

Proponents' Testimony:

00:13:34 Bryan Lockerby, administrator, Department of Criminal Investigation (DCI), Department of Justice (DOJ)
00:15:03 Sarah Corbally, Child and Family Services Division, Department of Public Health and Human Services (DPHHS)
00:15:58 Aimee Grmoljez, Montana Bankers Association

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:16:37 Sen. Vincent
 00:17:07 Ms. Corbally, DPHHS
 00:17:37 Sen. Vincent
 00:17:56 Rep. Dudik
 00:18:53 Sen. Larsen
 00:19:22 Mr. Lockerby, DOJ
 00:19:55 Rep. Dudik
 00:22:07 Sen. Fielder
 00:22:45 Rep. Dudik
 00:23:42 Julianne Burkhardt, Legislative Services Division (LSD)
 00:24:25 Sen. Kary
 00:25:12 Rep. Dudik
 00:27:34 Mr. Lockerby
 00:28:57 Sen. Hinkle
 00:29:15 Mr. Lockerby

Closing by Sponsor:

00:29:28 Rep. Dudik

HEARING ON SB 291

Opening Statement by Sponsor:

00:30:52 Sen. Bradley Hamlett (D), SD 15, opened the hearing on SB 291, Revise laws on use of seatbelts and child safety restraints; primary enforcement.

Proponents' Testimony:

00:35:56 Brad Von Bergen, trauma unit coordinator, Billings Clinic, Billings
 00:37:50 Mike Tooley, director, Department of Transportation (MDT)

[**EXHIBIT\(jus36a01\)**](#)

00:40:02 Jim DeTienne, supervisor, Trauma Services Division, Department of Public Health and Human Services (DPHHS)

00:41:45 Mike Englehart, trauma surgeon, trauma director, Billings Clinic, Billings

00:43:46 Gregg Trude, Right to Life Montana (RTLM)

[**EXHIBIT\(jus36a02\)**](#)

00:46:34 Art Collins, Association of Montana Troopers

00:48:01 Anna O'Donnell, public affairs communication specialist, Montana AAA
00:49:55 Lora Wier, director, Teton County Public Health, Montana Public Health
Association
00:50:27 Jessie Luther, Montana Contractors Association (MCA), Montana Hospital
Association (MHA)
00:51:09 Barry (Spook) Stang, Montana Motor Carriers
00:53:16 Mike Foster, five catholic hospitals, also for Benefis Hospital, St. Peters Hospital,
Bozeman Deaconess Hospital
00:55:31 Al Smith, Montana Trial Lawyers Association
00:56:15 Webb Brown, Montana Chamber of Commerce (MCC)
00:56:59 Bruce Knudsen, executive vice president, Montana Automobile Dealers
Association (MADA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:57:33 Sen. Fielder
00:58:03 Mr. Knudsen, MADA
00:58:45 Sen. Moe
00:59:13 Sen. Hamlett
01:00:46 Sen. Swandal
01:01:03 Mr. Tooley, MDT
01:01:49 Sen. Larsen
01:02:55 Sen. Hamlett
01:03:40 Sen. Vincent
01:04:00 Sen. Hamlett
01:04:56 Sen. Kary
01:05:17 Sen. Hamlett
01:05:51 Sen. Hinkle
01:06:15 Sen. Hamlett

Closing by Sponsor:

01:07:24 Sen. Hamlett

HEARING ON SB 253

Opening Statement by Sponsor:

01:10:12 Sen. Mary McNally (D), SD 24, opened the hearing on SB 253, Provide for
uniform act for powers of appointment for estate planning.

Proponents' Testimony:

01:11:20 Chuck Willey, commissioner, Uniform Law Commission (ULC), former chairman, Business, Estates, Taxation, Trust and Real Property Section (BETTR)-State Bar of Montana, also for David Dietrich, attorney, Dietrich & Associates, Billings

EXHIBIT(jus36a03)

01:17:23 Dan McLean, estate planning attorney, Crowley Fleck, Helena; American College of Trust and Estate Council

01:25:34 Dirk Williams, attorney, Crowley Fleck Law Firm, Missoula, chairman, Business, Estates, Taxation, Trust and Real Property Section (BETTR)-State Bar of Montana

EXHIBIT(jus36a04)

01:27:21 Jonathon Byington, commissioner, Uniform Law Commission (ULC)

01:30:53 Hanna Warhank, estate planning attorney

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:32:14 Sen. Fielder

01:32:33 Mr. Byington, ULC

01:33:18 Mr. Willey, ULC

Closing by Sponsor:

01:34:41 Sen. McNally

01:35:25 Mr. Willey

HEARING ON SB 266

Opening Statement by Sponsor:

01:35:45 Sen. Mary McNally (D), SD 24, opened the hearing on SB 266, Provide for uniform act regarding fiduciary access to digital assets.

Proponents' Testimony:

01:39:05 Dirk Williams, attorney, Crowley Fleck Law Firm, Missoula, chairman, Business, Estates, Taxation, Trust and Real Property Section (BETTR)-State Bar of Montana

01:42:37 Victoria Blachly, estate planning and trust attorney, Uniform Law Commission (ULC)
01:57:53 Jonathon Byington, commissioner, Uniform Law Commission (ULC)
01:59:07 Aimee Gromeljez, Montana Bankers Association (MBA)
02:02:52 Dan McLean, estate planning attorney, Crowley Fleck, Helena; American College of Estate and Trust Council
02:06:32 Donya Parrish, Montana Credit Union Association (MCUA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

02:08:02 Sen. McNally

02:08:43 Recess

02:24:19 Reconvene

(Sen. Driscoll and Sen. Vincent absent from the room)

EXECUTIVE ACTION ON HB 12

02:24:57 **Motion:** Sen. Swandal moved that **HB 12 BE CONCURRED IN.**

02:25:55 **Motion:** Sen. Moe moved that **HB 12 BE AMENDED.**

[EXHIBIT\(jus36a05\)](#)

Discussion:

02:26:41 Julianne Burkhardt, Legislative Services Division (LSD)

02:28:05 Sen. Swandal

02:28:51 Sen. Kary

02:29:15 Ms. Burkhardt, LSD

02:29:26 Chairman Sales

02:29:39 Sen. Swandal

02:29:48 **Vote:** Motion carried unanimously by voice vote. Sen. Driscoll, Sen. Hansen and Sen. Vincent voted by proxy.

02:30:08 **Motion:** Sen. Moe moved that **HB 12 BE CONCURRED IN AS AMENDED.**

Discussion:

02:30:23 Chairman Sales

(Sen. Driscoll returned to the room)

02:30:52 Sen. Swandal

02:31:15 **Vote:** Motion carried 11-1 by voice vote with Sen. Sales voting no. Sen. Hansen and Sen. Vincent voted by proxy. Sen. Swandal will carry the bill.

EXECUTIVE ACTION ON HB 19

02:31:54 **Motion:** Sen. Moe moved that **HB 19 BE CONCURRED IN.**

Discussion:

02:32:09 Sen. Fielder

02:32:44 Julianne Burkhardt, Legislative Services Division (LSD)

02:33:12 Sen. Sands

02:33:32 Ms. Burkhardt, LSD

02:34:07 Sen. Sands

02:34:24 Ms. Burkhardt

02:34:43 Sen. Fielder

02:34:58 Sen. Swandal

02:35:16 Chairman Sales

02:35:43 Sen. Larsen

02:35:51 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy. Sen. Moe will carry the bill.

EXECUTIVE ACTION ON HB 43

02:36:32 **Motion:** Sen. Sands moved that **HB 43 BE CONCURRED IN.**

Discussion:

02:36:56 Sen. Moe

02:37:29 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy. Sen. McNally will carry the bill.

EXECUTIVE ACTION ON HB 88

02:38:11 **Motion:** Sen. Sands moved that **HB 88 BE CONCURRED IN.**

Discussion:

02:39:02 Sen. Driscoll

02:39:35 Sen. Sands

02:40:08 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HB 133

02:40:43 **Motion:** Sen. Fielder moved that **HB 133 BE CONCURRED IN.**

Discussion:

02:41:19 Chairman Sales

02:41:29 Sen. Swandal

02:42:04 Sen. Larsen

02:42:34 Sen. Sands

02:42:48 Chairman Sales

02:43:20 Sen. Fielder

02:44:01 Sen. Larsen

02:44:18 **Vote:** Motion carried 7-4 by roll call vote with Sen. Hinkle, Sen. Kary, Sen. Sales and Sen. Vincent voting no. Sen. Vincent voted by proxy. Sen. Hansen was excused. Sen. Driscoll will carry the bill.

02:45:58 Julianne Burkhardt, Legislative Services Division (LSD)

EXECUTIVE ACTION ON SB 224

02:46:26 **Motion:** Sen. Sands moved that **SB 224 DO PASS.**

Discussion:

02:46:58 Julianne Burkhardt, Legislative Services Division (LSD)

02:47:27 **Motion:** Sen. Fielder moved that **SB 224 BE AMENDED.**

[**EXHIBIT\(jus36a06\)**](#)

Discussion:

02:48:21 Ms. Burkhardt, LSD

02:48:53 Sen. Fielder

02:49:05 Sen. Hinkle

02:49:13 Ms. Burkhardt

02:49:29 Sen. Moe

02:49:43 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

02:49:54 **Motion:** Sen. Sands moved that **SB 224 DO PASS AS AMENDED**.

02:50:02 **Motion:** Sen. Kary moved that **SB 224 BE AMENDED**.
EXHIBIT(jus36a07)

Discussion:

02:50:24 Ms. Burkhardt
02:50:57 Sen. Kary
02:51:27 Sen. Fielder
02:51:32 Ms. Burkhardt
02:51:48 Sen. Sands
02:52:19 Sen. Fielder
02:53:10 Ms. Burkhardt
02:53:54 Sen. Swandal
02:54:10 Sen. Larsen
02:54:40 Sen. Driscoll

02:54:58 Without objection, Sen. Kary withdrew the **SB 224 BE AMENDED** motion.

02:55:15 **Vote:** Sen. Sands moved that **SB 224 DO PASS AS AMENDED**. Motion carried 11-1 by voice vote with Sen. Sales voting no. Sen. Hansen and Sen. Vincent voted by proxy.

ADJOURNMENT

Adjournment: 12:01 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus36aad.pdf](#))